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Office of Research Integrity

NEWSLETTER

The *ORI Newsletter* is published quarterly by the Office of Research Integrity, Office of the Secretary of Health and Human Services, and distributed to applicant or awardee institutions and PHS agencies to facilitate pursuit of a common interest in handling allegations of misconduct and promoting integrity in PHS-supported research. Please duplicate and circulate this newsletter freely. An electronic copy is available on the ORI home page.

IN THIS ISSUE

FASEB Begins Effort On Conflicts of Interest

The Federation of American Societies for Experimental Biology (FASEB) received an award from the RCR Program for Academic Societies this summer to improve the education of investigators in academia-industry relationships and to standardize practices governing conflicts of interest of investigators.

The FASEB award was one of three awards made in the final round of the four-year program that is a collaboration between the Association of American Medical Colleges (AAMC) and ORI. The other awards

See FASEB, page 4

ORI Will Launch RIO Boot Camps in FY 07

ORI will launch the second phase of its training program for institutional research integrity officers (RIOs) in FY 2007 by offering two mini camps and two boot camps designed to equip RIOs with the knowledge and skills required by that position.

Mini camps, lasting one day or less, will be held in conjunction with regularly scheduled professional meetings. Participation will be open to all RIOs and counsels who are members of the professional association holding the meeting. Enrollment will be limited.

See Mini, page 2

Biomedical Researcher Sentenced to Prison

Citing severe punishment already endured, complete acceptance of responsibility, deep remorse and ongoing rehabilitative efforts, Eric T. Poehlman, Ph.D., pleaded for probation and community service during his sentencing hearing, but received a 366 days term in a Federal prison because his actions lead to a loss to the government, obstruction of justice, and abuse of a position of trust.

Poehlman, a former professor at the University of Vermont (UVM), was sentenced by Judge William Sessions III on June 28, 2006 in the U. S.

See Loss, page 5

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You can instantly be informed about breaking news posted on the ORI home page by subscribing to the new RSS Feeds service that will allow you to receive the news as soon as it is released on the ORI web site through an RSS News Aggregator or a customized home page through Google or Yahoo.

Subscribing to ORI news feeds is easy. The front page of the ORI website provides three links to automatically subscribe through Google, Yahoo, or NewsGator. Visitors who use other RSS Readers can simply enter “http://

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Mini Camps Scheduled for SRA and NCURA Meetings This Fall *(from page 1)*

Boot camps, lasting three days, will be held at universities located around the country. These boot camps are designed initially for RIOs and counsels from the top 100 NIH awardee institutions—the location of most research misconduct cases. Participation will be by invitation only and will be limited to 25 per boot camp.

The first mini camps will be held this fall at the annual meetings of the Society of Research Administrators (SRA) International in Quebec City, Canada on October 15, 2006 and the National Council of University Research Administrators in Washington, DC on November 5, 2006. The first boot camp will be held at an East Coast university in early 2007.

The camps will cover interviewing complainants, respondents and witnesses; sequestering and safeguarding data; training inquiry and investigative panels; using advanced forensic techniques; case file management; writing (or helping panels write) adequate inquiry and investigative reports; liaison with Federal oversight agencies (e.g. ORI) and sponsors; liaison with colleagues administering other regulatory processes (e.g. IRBs) in triaging complex cases; and operating successfully in complex research institutions. Instruction will be provided by experienced current and former RIOs and ORI staff.

"The curriculum for the camps are about the same," said David Wright, former RIO at Michigan State University who developed the camps. "The longer the camp, the more detailed, intensive, interactive, and hands-on the training will be."

Wright continued, "Because most RIOs enter the role without any training they will likely be surprised when introduced to the spectrum of knowledge and skills required to adequately perform the role and will probably realize that professionalizing the role through continuing education is in their best interest."

Research Integrity Officer Orientation Video Available on ORI Web Site

An orientation video that presents an overview of the main responsibilities of a Research Integrity Officer (RIO), the institutional official who is responsible for implementing the PHS Policies on Research Misconduct (42 C.F.R. Part 93), is available on the ORI web site for viewing and downloading.

The orientation video is the first phase of the RIO training program being developed under contract for ORI by David Wright, who served as the RIO at Michigan State University (MSU) for 11 years.

The video contains three parts: program, interviews, and ORI web site. The 24 minute program provides an introduction to receiving and responding to allegations, sequestering data, protecting whistleblowers, instructing inquiry and investigative committees, additional responsibilities, involvement with responsible conduct of research training, and advice to new RIOs.

Extensive interviews, indexed by subject, are presented with four veteran RIOs and three ORI staff. The RIOS are Joe Corless, Duke University; Margaret Dale, Harvard University, Todd Guttman, Ohio State University, and Wright. The ORI staff are Chris Pascal, Director, ORI; Alan Price, former Director, Division of Investigative Oversight, and Larry Rhoades, Director, Division of Education and Integrity.

The third section contains links to material on the ORI web site of special importance to RIOs—the regulation, forensic tools, the RIO handbook, the ORI model policy, and the assurance program.

The video was produced by Richard C. Tibbals and Brian Kusch, College of Communication Arts and Sciences, MSU, in collaboration with Ed Cheeney, Dennis Hart and Holly Giesman of Cheeney Media Concepts.

"Given the complexity, sensitivity and importance of properly responding to research misconduct allegations," Wright said, "institutions should encourage their RIOs to view the video and support their participation in additional training as a wise investment in protecting their reputations and reducing the probability of costly lawsuits."

Editor Named Keynote Speaker for Fourth Research Conference on Research Integrity

An internationally known journal editor will give the keynote address at the fourth biennial Research Conference on Research Integrity that will be held at the Safety Harbor Resort and Spa in Tampa from December 1-3, 2006.

The conference program and registration information are available on the conference website on the ORI home page at http://ori.hhs.gov.

Ana Marusic, M.D., Ph.D., Professor, Department of Anatomy, Zagreb University School of Medicine, Croatia, will deliver the keynote address, *The Role of Editors and Journals in Detecting Scientific Misconduct: Strengths, Weaknesses, Opportunities and Threats.*

Marusic is editor in chief of the *Croatian Medical Journal* and President-elect of the Council of Science Editors (CSE). She also is a Past President of the World Association of Medical Editors, a former CSE vice president, and a member of the International Committee of Medical Journal Editors.

Marusic has organized several workshops on scientific communication in collaboration with editors of international journals and chairs a continuing medical education course on planning and writing research. She also organized the first workshop in Croatia on scientific publishing; the focus was on the rights and responsibilities of journal editors.

Marusic has made numerous presentations at universities and scientific meetings on scientific writing and publishing, peer review in big and small journals, contribution disclosure practices, inappropriate authorship, and the mentoring or educational role played by national medical journals.

After receiving her doctorates in medicine and science from the Zagreb University School of Medicine, she did postdoctoral research in biomedicine at the University of Connecticut School of Medicine and served as a visiting researcher at several German and British research institutions.

Research on Research Integrity Program Makes 5 Research Awards

Five awards were made this summer by the Research on Research Integrity (RRI) program with support from three NIH institutes, the Agency for Healthcare Research and Quality (AHRQ), and ORI.

The National Cancer Institute, the National Human Genome Research Institute, the National Institute of General Medical Sciences, and AHRQ provided funding for the first time. The National Heart, Lung and Blood Institute, the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Nursing Research (NINR), and ORI supported nine continuation awards.

"We appreciate the growing support provided by NIH institutes and AHRQ," Mary Scheetz, former Director, RRI Program, said. "This funding and the administrative assistance provided by NINR and the Center for Scientific Review make this program productive and permits a broader range of research to be conducted."

Since it began in 2001, the RRI program funded 39 projects that have resulted in 33 publications in 12 journals including *Nature, New England Journal of Medicine, Journal of the American Medical Association, and the British Medical Journal.*

Total funding for the RRI program in 2006 was $3,070,404, the highest in the six-year program. New grants received $1,116,974; continuations received $1,953,430. ORI contributed $1,524,520; NIH components, $1,320,134, and AHRQ, $225,750.

Five of the 41 applications were supported for a funding rate of 12.2 percent. Awards provide up to $175,000 in direct costs, plus indirect costs, for each of two years.

Award abstracts are posted on the ORI web site along with a list of publications produced by projects supported by the RRI program. For information on the RRI program contact Mary Scheetz at Mary.Scheetz@hhs.gov or at 240-453-8438.

The grant titles, principal investigators, and awardee institutions follow:

- **Compliance with Adverse Event Reporting Requirements in Cancer Clinical Trials.** Steven Joffe, Dana Faber Cancer Institute.

See RRI, page 8

Institute at UC-Davis Offers Training In Laboratory Management

Recognizing that knowledge of a scientific discipline is a necessary but not sufficient condition for a successful research career the University of California-Davis has established the first Laboratory Management Institute (LMI) to provide leadership and management training for aspiring, new and veteran researchers.

"Researchers have devoted years of study in their scientific disciplines, but have received little or no laboratory management training," John Galland, Director, LMI, said. The LMI was created in 2005 with support from the Howard Hughes Medical Institute, the Burroughs-Wellcome Foundation, and numerous UC-Davis academic and research units.

The leadership and management training is appropriate for "anyone who manages or expects to manage public- or private-sector research or service laboratories or groups including principal investigators, postdoctoral scholars, research scientists, laboratory managers, project managers, research associates, graduate students, laboratory technicians with supervisory responsibilities, and research administrators whether new in their career, mid-career, or seasoned professionals," according to the LMI web site.

The LMI currently has two offerings: an annual 42 contact-hour program in Laboratory Leadership and Management for Postdoctoral Scholars and a 14 academic credit hour Certificate Program in Laboratory Leadership and Management for scientists and research administrators.

The year-long program for postdocs that was first offered in October 2005 starts with a two-day intensive program and continues with monthly meetings and seminars. The certificate program began in August

2006 and includes five courses. Both programs focus on leadership, management, compliance, health and safety, and ethics.

The LMI has developed an innovative training approach, LabAct, that uses actors to help program participants identify issues and rehearse behavior that can be effective in resolving real issues they may be facing in their workplace. For more information contact LMI at LMI@ucdavis.edu or visit its website at http://www.research.ucdavis.edu/LMI.

FASEB to Produce Instructional Materials and Disclosure Form *(from page 1)*

were made to the American Society of Hematology and the American College of Rheumatology/Association of Rheumatology Health Professionals. These awards will support a clinical research training institute and a workshop on responsible publication and presentation of research.

Since 2002, the program made 40 awards to 35 academic and scientific societies that were aimed at institutionalizing activities that would promote the responsible conduct of research among the members of those societies. The products generated by the societies are available on the AAMC web site at http://www.aamc.org/ori/.

The FASEB project seeks to build on its white paper, *Shared Responsibility, Individual Integrity: Scientists Addressing Conflicts of Interest in Biomedical Research,* that describes principles for investigators to apply in academia-industry relationships. The white paper is available at http://opa.faseb.org/pdf/FASEB_COI_paper. pdf.

Through this educational effort, FASEB aims "to raise awareness among scientists about the benefits and challenges in industry relationships, encourage scientists to communicate with their institutions about these issues, promote adherence to all relevant policies, and promote academia-industry relationships."

The FASEB project intends to produce case books, posters, who-to-call cards, and other self-instruction materials for use in laboratories by principal investigators and mentors to instill professional norms in the next generation of scientists.

The FASEB project will also produce a model conflict of interest disclosure form as a way to generate uniformity among institutional policies and educate faculty, postdocs and students about conflicts of interest. The form will be constructed in consultation with the institutional community and NIH.

Loss to Government, Obstruction of Justice, Abuse of Trust *(from page 1)*

District Court for the District of Vermont. Poehlman, the first biomedical researcher to be imprisoned, is serving his time at the Cumberland Federal Correctional Institution in Maryland.

His attorneys argued for a period of probation with community service instead of a prison term "because that would create an unwarranted sentence disparity between Dr. Poehlman and every other researcher who has committed science fraud during the past 15 years."

The attorneys asserted that Poehlman had already been "severely punished" because he could no longer be employed in the scientific community, he paid $180,000 in a False Claims Act settlement and $16,000 for complainant's attorney fees, he was excluded for life from Federal funding, he retracted or corrected 10 published articles, he lost an endowed position at the University of Montreal, he had 10 consulting job offers withdrawn, and he was permanently barred from funding by the Canadian Institutes of Health Research. In addition, the North American Association for the Study of Obesity rescinded his Lilly Scientific Award and the American Physiological Society permanently banned him from submitting articles to any of its journals.

In their quest for leniency, the attorneys noted that Poehlman had taken complete responsibility for his misconduct and had shown remorse. In addition, they pointed out that he had begun to rehabilitate himself by teaching math and science to high school and elementary school students and by voluntarily speaking at universities "to educate others about the critical importance of scientific integrity."

In the government sentencing memo, the U. S. Attorney's Office for the District of Vermont (USAO) did not oppose the motion for a "downward departure" from sentencing guidelines because of the "extraordinary acceptance of responsibility", did not recommend a fine, and took no position on the final sentence. The USAO did argue, however, that the applicable guideline range should be enhanced from 6 to 22 months because of (1) loss to the government, (2) obstruction of justice, (3) abuse of a position of trust and (4) use of specialized skills in committing the crime.

According to the USAO's sentencing memo, Poehlman had submitted at least 17 grant applications that contained false and fabricated research to Federal agencies requesting $11.6 million. The memo estimated the loss to the government through awards made by NIH and USDA between $2.5 and $5 million.

The enhancement for obstruction of justice was based on the initial false and misleading responses Poehlman gave to UVM officials, the Federal lawsuit Poehlman initiated to prevent UVM from reporting his research misconduct to ORI, his explicit denials that he fabricated data in papers filed with the court and in

See Abuse, page 11

Poehlman Explains Research Misconduct

In a letter to Judge William Sessions, III, U. S. District Court for the District of Vermont, Eric T. Poehlman said he had convinced himself that it was acceptable to falsify data for the following reasons:

"First, I believed that because the research questions I had framed were legitimate and worthy of study, it was okay to misrepresent "minor" pieces of data to increase the odds that the grant would be awarded to UVM and the work I proposed could be done."

"Second, the structure at UVM created pressures which I should have, but was not able to stand up to. Being an academic in a medical school setting, I saw my job and my laboratory as expendable if I were not able to produce. Many aspects of my laboratory, including salaries of the technicians and lab workers, depended on my ability to obtain grants for the university. I convinced myself that the responsibility I felt for these individuals, the stress associated with that responsibility, and my passion and personal ambition justified "cutting corners."

"Third, I cannot deny that I was also motivated by my own desire to advance as a respected scientist because I wanted to be recognized as an important contributor in a field I was committed to."

ORI Annual Report – 2005

See ORI Home Page

http://ori.hhs.gov

More RCR Resources Debut at the Fourth Annual RCR Expo in Quebec City

Instructional materials on data management, peer review, publication practices, mentoring, research misconduct, and laboratory management will be on display at the fourth annual RCR Expo on October 16-17, 2006 in the Quebec City (Canada) Convention Center in conjunction with the annual meeting of the Society of Research Administrators (SRA) International.

The Expo allows organizations to demonstrate their RCR-related resources to 1,600 research administrators, researchers, and academicians. Persons attending only the Expo do not have to register for the SRA meeting.

"ORI greatly appreciates the support provided to the Expo by the SRA," Loc Nguyen-Khoa, Director, RCR Resources Development Program, said. "SRA has been very generous in giving the Expo excellent locations to ensure that its members will become aware of the RCR instructional materials."

The exhibiting organizations and the title and description of their resource follows:

Data Acquisition, Management, Sharing, and Ownership

Cleveland Clinic

This computer-based training (CBT) assists in compliance with increasingly complex regulations in the areas of data acquisition, retention, storage, custody, sharing, ownership, interpretation and reporting.

Video Vignettes and Decision Tree Technology for Data Management

Graduate School of Syracuse University

The product provides video vignettes and web-based decision tree-style questions and responses designed to increase the retention and transference of ethical behavior related to data acquisition, management, sharing and ownership in the biomedical and behavioral sciences.

Peer Review Tool

University of Maryland College Park

This computer-based product helps peer reviewers evaluate journal submissions in a step-by-step fashion and provides the reviewer with a summary of possible errors in the paper based on the reviewers responses to several checklist-type items.

Promoting Responsible Peer Review and Publishing Through Interactive E-learning Experience

Northern Illinois University

Two online tutorials that serve as quick guides on mistakes and dilemmas that researchers encounter when peer reviewing or authoring publications.

An Interactive Video/DVD on Mentorship in Culturally Diverse Organizations

Howard University

This product addresses the role that culture plays in the mentor/mentee relationship. Five discussion groups composed of faculty and students analyze instance of mentorship and consider the impact of diverse cultural perspectives.

Web-Based Course on Research Misconduct

Univ. of Texas Health Science Center

This web-based educational intervention is designed to help investigators and administrators develop knowledge and skills to prevent, recognize, report, and manage research misconduct.

Baseline RCR Testing Program

Vanderbilt University Medical Center

This is an online version of a validated test of basic RCR concepts and standards with 14 demographic items to be used in determining students' pre-course baseline level of knowledge.

Lab Management: Training and Education for the Principal Investigator and Associated Technical Personnel

Washington State University

This project developed educational materials for university faculty and key laboratory management personnel, focusing on five topic areas: 1) data/notebook management, 2) training/mentoring, 3) writing skills, 4) fiscal/administrative management, and 5) general safety training.

Project TRES – Training in Research Ethics and Standards

San Diego State University

The TRES curriculum provides an accessible, culturally appropriate, and translated training program to increase awareness of the ethical aspects of conducting research within the Hispanic/Latino community.

First World Conference on Research Integrity Slated For Next September in Lisbon

Science is an international enterprise. Research was not limited by national boundaries even before the Internet. Scientists collaborate with colleagues in other nations. Research results obtained in one country are printed in journals published in other countries. Funding agencies support promising research wherever it is done. Scientists frequently train and conduct research in multiple nations.

Over the last two decades, research misconduct has been investigated in, at least, 17 countries: Australia, Canada, China, Denmark, England, Finland, Germany, India, Israel, Japan, Norway, Poland, South Africa, South Korea, Sweden, and the United States.

Next year, the possibility of international cooperation, coordination and action on research misconduct, questionable research practices, research environments, and the responsible conduct of research education will be explored during the first World Conference on Research Integrity that will be held in Lisbon, Portugal, from September 17-19.

ORI is collaborating with the European Science Foundation (ESF) in organizing the conference which will be held at the headquarters of the Calouste Gulbenkian Foundation. The Portuguese Ministry for Science, Technology and Higher Education (PMSTHE) will host the conference as of part of the Portuguese presidency of the European Union.

"The World Conference represents an initial effort to discuss the professional side of research on a global level through the exchange of information, dialogue, and the adoption of an agenda for action," said Tony Mayer, ESF, co-organizer.

Mayer added, "Research, which prides itself on its internal self-governance and its integrity is now faced with a number of well publicized cases of misconduct, fraud and questionable research practices. The research community worldwide has to face this challenge in order to retain public confidence and establish clear best practice frameworks at an international level."

Nick Steneck, ORI, co-organizer, said, "Research regulations and commonly accepted research practices vary significantly from country to country and among professional organizations. It would be very helpful if that variance could be reduced."

Besides Steneck, Mayer, and a PMSTHE representative, the planning committee includes representative from the European Commission, the National Science Foundation (representing the Office of Science and Technology Policy, U.S.A.), the National Institutes of Health, U. S. A., the Japan Society for the Promotion of Science, the International Council for Science, the All European Academies, the European Molecular Biology Organization, the Committee for Publication Ethics, England, the Medical Research Council, England, the Max Planck Gesellschaft, Germany, the European Forum for Good Clinical Practice and the Organization for Economic Cooperation and Development Global Science Forum, plus two independent members from France and Poland.

Additional information will be posted on the conference website which can be accessed through the ESF (http://www.esf.org/) and ORI web sites.

Data Collection Begins This Fall for RIO Study

Data collection for a study of institutional research integrity officers (RIOs), conducted by the Research Triangle Institute (RTI) International for ORI, will begin this fall and probably continue into spring.

Research integrity officers are the institutional officials responsible for implementing the PHS Policies on Research Misconduct (42 C.F.R. Part 93).

The study will examine the responsibilities, authority, qualifications, training, organizational location, role set, resources, and turnover rates of individuals in this critical position.

The study will be conducted in two phases. In phase one, structured phone interviews will be conducted with 100 RIOs. In phase two, a web-based questionnaire will be sent to about 1700 RIOs in educational institutions, research centers and laboratories, and independent hospitals.

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ori.hhs.gov/feed.xml" into their news reader. Visit http://ori.hhs.gov/StayInformed/newsfeed/ for more information about RSS feeds.

In addition to the RSS Feeds, ORI has added three more features to its home page to enable ORI to keep in touch with you and enable you to keep in touch with ORI: email subscriptions, submit your news, and web site feedback.

If instantaneous is too quick for you, you may want to subscribe to the ORI email database to receive periodic advance notices concerning the latest newsletter, upcoming conferences, study findings, provocative articles, new funding opportunities, RCR resources, and other important topics related to the responsible conduct of research, research integrity, or research misconduct. You can subscribe to the email database by clicking on Subscribe to ORI on the ORI home page.

ORI also created an online feature to assist you in drawing attention to activities, events, publications, web sites, resources and programs related to RCR, research integrity, or research misconduct. The submitted news may be published in the ORI newsletter, posted on the website, or sent out through our listservs or email database. ORI will make the final determination on the suitability of the submitted items. You can send you news by clicking on Submit Your News on the ORI home page.

"We would like ORI to serve as a clearinghouse for information related to RCR, research integrity, and research misconduct," Larry Rhoades, Director, Division of Education and Integrity, ORI, said. "To do so, we need reporters around the world feeding information to us."

In addition, ORI has added a simple online form in the feedback section to encourage you to provide comment on the content, navigation, organization, appearance and other features of its web site. All sub-missions are completely anonymous.

RRI Program Grants

(from page 3)

- **Views and Approaches toward Research Integrity among IRBs.** Robert L. Klitzman, New York State Psychiatric Institute
- **Analysis of Research Misconduct Policies: Survey of Research Integrity Officers** Rebecca Ann Lind, University of Illinois
- **Research Culture of Practice-based Research Networks.** Anne Victoria Neale, Wayne State University
- **Board of Trustees: Systemic Conflict of Interest at Research Universities.** Sheila Slaughter, University of Georgia

ORI Intro to RCR
Web Version
http://ori.hhs.gov

Manual Available For Mentoring Seminar

A manual for conducting a seminar designed to provide graduate students, postdocs, and faculty with mentoring skills has been developed by The Wisconsin Program for Scientific Teaching with support from the Howard Hughes Medical Institute.

The manual, *Entering Mentoring: A Seminar to Train a New Generation of Scientists*, was written by Jo Handelsman, Christian Pfund, Sarah Miller Lauffer and Christine Maidl Pribbenow, all of the University of Wisconsin-Madison. It is available for downloading at www.hhmi.org/grants/pdf/labmanagement/entering_mentoring.pdf

The seminar has been offered 22 times at 11 institutions over a two and a half year period. An article, "The Merits of Training Mentors" by the above authors and Janet Branchaw, UW-Madison, discussing the outcome of this effort was published in *Science* on January 27, 2006.

Integrity: 2005 Word of the Year

About 200,000 persons looked up the definition of "integrity" on the Merriam-Webster online dictionary site making it the most frequently looked up word in 2005 and earning integrity the title—Word of the Year. The Merriam-Webster site defines integrity as firm adherence to a code of especially moral or artistic values: **incorruptibility**; an unimpaired condition: **soundness**; and the quality or state of being complete or undivided: **completeness**. The synonym for integrity is **honesty**.

Case Summaries

Steven Anthony Leadon, Ph.D., University of North Carolina: Based on the report of an investigation conducted by the University of North Carolina (UNC) at Chapel Hill and additional analysis conducted by ORI in its oversight review, the U.S. Public Health Service (PHS) found that Steven Anthony Leadon, Ph.D., former Professor of Radiation Oncology, Department of Radiology, School of Medicine, UNC, engaged in scientific misconduct while supported by National Cancer Institute (NCI), National Institutes of Health (NIH), grant R01 CA40453-09 to 15.

Specifically, PHS found that Dr. Leadon engaged in scientific misconduct by falsifying DNA samples and constructing falsified figures for experiments done in his laboratory to support claimed findings of defects in a DNA repair process that involved rapid repair of DNA damage in the transcribed strand of active genes, included in four grant applications and in eight publications and one published manuscript, which were included as an Appendix to the Voluntary Exclusion Agreement entered into by Dr. Leadon and are as follows:

- Figures 1, 2, and 3 in the article by Gowen, L.C., Avrutskaya, A.V., Latour, A.M., Koller, B.H., & Leadon, S.A. "BRCAI Required for Transcription-Coupled Repair of Oxidation DNA Damage." *Science* 281:109-1012, 1988. In grant application 2 R01 CA40453-14 (p. 9), this article was used as justification for proposed research on BRCA1 and related proteins that may be required for transcription-coupled DNA repair of oxidative DNA damage. Data from the research reported in this paper was also used as preliminary data (Figure 2, p. 16) to support proposed experiments on BRCA1.
- Figures 1A, 2A, and 3 in the article by Leadon, S.A. & Avrutskaya, A. "Differential Involvement of the Human Mismatch Repair Proteins, hMLH1 and hMSH2 in Transcription-coupled Repair." *Cancer Research* 57:3784-3791, 1997.
- Figures 1 and 3 in the article by Leadon, S.A. & Avrutskaya, A.V. "Requirement for DNA Mismatch Repair Proteins in the Transcription Coupled Repair of Thymine Glycols in Saccharomyces cerevisiae." *Mutation Research* 407:177-187, 1998.
- Figures 7B and 7C in the article by Cressman, V.L., Backlund, D.C., Avrutskaya, A.V., Leadon, S.A., & Koller, B.H. "Growth retardation, DNA repair defects, and lack of spermatogenesis in BRCA1-deficient mice." *Molecular and Cellular Biology* 19:7061-7075, 1999.
- Figures 1 A-D, 3A, 3C, and 3D and graphs in the unpublished manuscript by Rauscher, F. J. III, Jensen, D.E., Patel, G., Fredericks, W.J., Schultz, D.C., Proctor, M., Sekido, Y., Minna, J., Chernova, T.A., Wilkinson, K.D., Avrutskaya, A.V., & Leadon, S.A. "BRCA1-associated ubiquitin hydrolase required for transcription-coupled repair of oxidative DNA damage." Submitted to *Science* on May 16, 2001. In figure 4 in grant application 2 R01 CA40453-14 (pp. 17-18), data from this unpublished manuscript was used regarding BAP1 defects in TCR.
- Figure 1A and 3A in the article by Cooper, P.K., Nouspikel, T., Clarkson, S.G., and Leadon, S.A., "Defective transcription-coupled repair of oxidative base damage in Cockayne syndrome patients from XP group G," *Science* 275: 9907ndash993, 1997. In NIH grant application R01 CA40453-10A1, some of the same data for XPG or XP-G/CS cells from this *Science* article were included by Dr. Leadon as graphs (Figures 4 and 5, pp. 25-27) before the *Science* paper was published.
- Figure 1C, 2A and 2B in the article by LePage, F., Kwoh, E.E., Avrutskaya, A., Gentil, A., Leadon, S.A., Sarasin, A., & Cooper, P.K. "Transcription-coupled repair of 8-oxoguanine: requirement for XPG, TFIIH, and CSB and implications for Cockayne Syndrome." *Cell* 101:159-171, 2000. Figure 7 in grant application 1 R01 CA092390-01.
- Figures 1 and 2 and Table 1 in the article by Leadon, S.A., Barbee, S.L., & Dunn, A.B. "The yeast RAD2, but not RAD1, gene is involved in the transcription-coupled repair of thymine glycols." *Mutation Research* 337:169-178, 1995.
- Figure 6 in the article Nouspikel, T., Lalle, P., Leadon, S.A., Cooper, P.K., & Clarkson, S.G. "A common mutational pattern in Cockayne syndrome patients from xeroderma pigmentosum group G: Implications for a second XPG function," *Proc. Nat. Acad. Sci.* USA 94, 3116-3121, 1997.

Dr. Leadon's position is that he did not engage in scientific misconduct. His position is that a systematic error was introduced into the experiments in question and he recognizes that it could have influenced or accounted for the results. Dr. Leadon states that

Case Summaries *(continued)*

he has entered into a Voluntary Exclusion Agreement (Agreement) because he cannot sustain the significant financial burden of a legal proceeding to resolve the disagreements between his position and that of HHS. By entering into this Agreement, Dr. Leadon has voluntarily agreed:

(1) To exclude himself from knowingly contracting or subcontracting with any agency of the United States Government and from eligibility or knowing involvement in nonprocurement programs of the United States Government referred to as "covered transactions" as defined in the debarment regulations at 45 CFR Part 76 for a period of five (5) years, beginning on May 10, 2006;

(2) To exclude himself from serving in any advisory capacity to PHS including, but not limited, to service on any PHS advisory committee, board, and/or peer review committee, or as consultant for a period of five (5) years, beginning on May 10, 2006; and

(3) To submit letters of retraction to the editors of the journals listed below within ten (10) business days from the effective date of this Agreement, stating as follows:

(A) "I have recently had the opportunity to review some of the raw data used for this paper in the above-referenced publication, and it is clear that the data as reported in this paper cannot be relied upon. Therefore, I request that you retract this paper." A letter using only the aforementioned language in this subsection will be sent to *Mutation Research* to retract the following paper: Leadon, S.A., Barbee, S.L., & Dunn, A.B. "The yeast RAD2, but not RAD1, gene is involved in the transcription-coupled repair of thymine glycols." *Mutation Research* 337:169-178, 1995.

(B) "I have recently had the opportunity to review some of the raw data used for Figure 6 in this paper in the above-referenced publication, and it is clear that the data as reported in this figure cannot be relied upon. Therefore, I request that you retract Figure 6 of this paper." A letter using only the aforementioned language in this subsection will be sent to *Proceedings of National Academy of Sciences* concerning the following article: Nouspikel, T., Lalle, P., Leadon, S.A., Cooper, P.K., & Clarkson, S.G. "A common mutational pattern in Cockayne syndrome patients from xeroderma pigmentosum group G: Implications for a second XPG function." *Pro-ceedings of the National Academy of Sciences* 94:3116-3121, 1997.

(C) "I have recently had the opportunity to review some of the raw data used for Figures 7B and 7C in this paper in the above-referenced publication, and it is clear that the data as reported in these figures cannot be relied upon. Therefore, I request that you retract Figure 7B and 7C of this paper." A letter using only the aforementioned language in this subsection will be sent to *Molecular and Cellular Biology* concerning the following article:

Cressman, V.L., Backlund, D.C., Avrutskaya, A.V., Leadon, S.A., & Koller, B.H. "Growth retardation, DNA repair defects, and lack of spermatogensis in BRCA1-deficient mice." *Molecular and Cellular Biology* 19:7061- 7075, 1999.

Lingjie Zhao, University of Iowa: Based on the investigation reports drafted by the University of Iowa (UI) and additional analysis conducted by ORI in its oversight review, the U.S. Public Health Service (PHS) found that Lingjie Zhao, former Doctoral Student, UI, engaged in research misconduct. The research was supported by National Cancer Institute (NCI), National Institutes of Health (NIH), grant P01 CA66081. PHS found that Ms. Zhao engaged in research misconduct by falsifying research records included in: (a) A manuscript submitted for publication in *Cancer Research*, (b) drafts of her work reported in the laboratory, and (c) drafts of her work reported to her dissertation committee. Specifically, PHS found:

1. That Ms. Zhao darkened with a marking device the thioredoxin (Trx) band of Lanes 1 and 2 on the autoradiographic film that was to become part of Figure 9 of the manuscript.

2. That Ms. Zhao (a) falsified this same original film of the western blot by darkening Lanes 1, 2, 4, and 5 with a marking device at the origin of the gel and (b) further falsified Figure 9 of the *Cancer Research* manuscript by claiming falsely that these marked bands were thioredoxin reductase (TR) untreated and with mismatch oligodeoxynucleotide in the presence and absence of tumor necrosis factor alpha.

3. That Ms. Zhao falsified the glutathione reductase (GR) activity data in either Figure 4 or Figure 9 of the *Cancer Research* manuscript (the data are identical but stated to be from entirely different experimental conditions).

Case Summaries *(continued)*

4. That Ms. Zhao falsified the actin data in either Figure 4 or Figure 9 of the *Cancer Research* manuscript or in the experiments simultaneously using Prx III-As and Phospholipid hydroperoxide glutathione peroxidase-As reported in slide presentations (the actin data are identical under 3 entirely different experimental conditions).

5. That Ms. Zhao falsified the manganese superoxide dismutase (MnSOD) data in either Figure 1A or Figure 4 of the *Cancer Research* manuscript (these MnSOD data are identical while being clearly described as coming from different experiments).

6. That Ms. Zhao falsified the MnSOD data in Figure 2 of the *Cancer Research* manuscript by enhancing with a marking device Lanes 6 and 7, mismatch and antisense Prx oligos at 3 days of incubation (unmarked, Prx III-As decreased the expression of MnSOD).

Ms. Zhao has entered into a Voluntary Exclusion Agreement in which she has voluntarily agreed, for a period of three (3) years, beginning on June 3, 2006: (1) To exclude herself from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government as defined in the debarment regulations at 45 C.F.R. part 76; (2) To exclude herself from serving in any advisory capacity to PHS including, but not limited, to service on any PHS advisory committee, board, and/or peer review committee, or as consultant.

Abuse of Trust, Use of Specialized Skills *(from page 5)*

sworn testimony, the submission of falsified records to UVM officials, and testimony from witnesses that Poehlman had them sign supportive letters that contained false and misleading information.

The USAO supported the enhancement for abuse of a position of trust by stating, "The defendant, as tenured faculty, enjoyed full academic independence to pursue his own research areas, set his own schedule, and could not be dismissed, except in extraordinary circumstances. In this context, he clearly held a position with professional and managerial discretion and was subject to significantly less supervision than a normal employee. Furthermore, in reviewing and approving grants for Federal funding, NIH and UVM relied on the defendant's integrity and honesty as an academic researcher. Clearly the defendant abused this position of trust in committing his fraud."

"In addition, the defendant used specialized skill to commit his crime," the USAO's memo continued. "The defendant had extensive education and professional training as an academic researcher, and his experience conducting complex scientific and medical testing were required even to submit a grant application. Moreover, the defendant's specialized skills as an academic researcher were necessary to present a cogent, believeable grant application, and these skills were essential for making his falsifications and fabrications appear genuine in his applications. Without these skills, his fraud would have been impossible."

Bad Faith Allegations End In $1 Million Judgement

A jury has awarded $1 million plus attorney fees to two academics after deciding that the whistleblower had defamed the academics by making bad faith allegations of scientific misconduct, data falsification and harrassment in emails sent to officials at Ohio State University.

According to court documents, the defendant, Yulin Ma, a postdoctoral researcher in the Ohio State College of Pharmacy made the allegations against Jessie L.-S. Au and Marie Guillaume Wientjes, both professors at the college.

Prior to the trial in the U. S. District Court, Southern District of Ohio, Eastern Division, last October, the court denied a motion for summary judgment stating that "Ma did not act in good faith when sending the alleged defamatory e-mail" because "Ma's specific statements that he intended to damage plaintiffs' reputation and lab, coupled with the total lack of evidence for Ma's accusations, supports the interference that Ma either knew his allegations were false, or had reckless disregard for the truth."

RCREC Joins APPE

The Responsible Conduct of Research Education Consortium (RCREC) merged with the Association for Practical and Professional Ethics (APPE) effective May 1, 2006.

Under the merger, the RCREC became a new standing APPE committee and changed its name to the Responsible Conduct of Research (RCR) Education Committee.

ORI Changing Procedures for Funding Conferences

ORI is changing the procedures institutions must follow to request support for conferences related to the responsible conduct of research, research integrity, and research misconduct. Beginning this fall, conference proposals will be solicited through Requests for Proposals (RFP) issued by the PSC contract office. An RFP will be issued for each conference ORI intends to support in FY 2008. RFPs will be issued for three conferences focused on: (1) authorship and publication practices; (2) research misconduct, and (3) education on the responsible conduct of research (RCR). Suggestions for other relevant conference topics for future RFPs are also welcomed. The conferences should be 1.5 to 2 days in length, designed for a national audience, and be held in an easily accesssible U. S. city. Maximum award will be $25,000. To receive the RFPs your institution must be on the PSC source list, so if your institution is interested in organizing conferences supported by ORI, please send your name, mailing address, phone and fax numbers and email address by December 1, 2006 to ***Lawrence.Rhoades@hhs.gov*** **or call 240-453-8434.**

Office of Research Integrity
1101 Wootton Parkway, Suite 750
Rockville, Maryland 20852

Office of the Director.... (240) 453-8200
Fax ..... (301) 443-5351

Division of Education
and Integrity ..... (240) 453-8400
Fax ..... (301) 443-5351

Assurances Program ..... (240) 453-8400
Fax ..... (301) 594-0042

Div. of Investigative
Oversight ..... (240) 453-8800
Fax ..... (301) 594-0043

Research Integrity
Branch/OGC ..... (301) 443-3466
Fax ..... (301) 594-0041

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Office of the Secretary
Office of Research Integrity
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